

022004  
15992 U.S. PTO

Practitioner's Docket No. 64154-5006

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

22141 U.S. PTO  
10/783671

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Walter K. Proniewicz; Dale E. Winther

For (title): NONINVASIVE MEASUREMENT SYSTEM

1. Type of Application

This application is for a continuation.

The PTO did not receive the following  
listed item(s) 2<sup>nd</sup> page of declaration

EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.)

(Express Mail certification is optional)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date February 20, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV27289251US.

Karen Earl

Type or print name of person mailing paper

Date: February 20, 2004

Karen Earl  
Signature of person certifying

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**2. Benefit of Prior U.S. Applications (35 U.S.C. §§ 119(e), 120, or 121)**

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATIONS CLAIMED.

**3. Papers Enclosed**

**A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application**

54 Page(s) of Specification  
1 Page(s) of Claims  
19 Sheet(s) of Drawing(s)--Formal

**B. Other Papers Enclosed**

2 Page(s) of declaration and power of attorney  
1 Page(s) of abstract

**4. Additional Papers Enclosed**

Information Disclosure Statement (37 C.F.R. § 1.98)

Copy of Forms PTO-1449 and PTO-892 from parent case 09/489,593

**5. Declaration or Oath**

Copy from parent case 09/489,593 enclosed

Executed by:

\* legal representative of inventors. 37 C.F.R. §§ 1.42 or 1.43.

**6. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**7. Language**

English

**8. Assignment**

Copy of an Assignment of the invention to Q Step Technologies, LLC parent case 09/489,593 enclosed is attached.

**9. Fee Calculation (37 C.F.R. § 1.16)**

Regular Application									
CLAIMS AS FILED									
Basic Fee 37 C.F.R. § 1.16(a) \$770.00									
Number Filed		Number Extra		Rate					
Total Claims (37 C.F.R § 1.16(c))		1	–	20	=	0	x	\$ 18.00	= \$ 0.00
Independent Claims (37 C.F.R § 1.16(b))		1	–	3	=	0	x	\$ 86.00	= \$ 0.00
Multiple Dependent Claim(s), if any (37 C.F.R § 1.16(d))								\$ 290.00	\$ 0.00
Filing Fee Calculation								\$770.00	

**10. Assertion of Small Entity Status**

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.  
Status as a small entity was asserted in the prior application 09/489,593 filed on January 21,  
2000 from which benefit is being claimed for this application under 35 U.S.C. § 120 and  
which status as a small entity is still proper and asserted for this application.

Filing Fee Calculation (50% of above Filing Fee Calculation) \$385.00

**11. Fee Payment Being Made at This Time**

Enclosed

Filing Fee \$385.00

**Total Fees Enclosed \$385.00**

**12. Method of Payment of Fees**

Attached is a check in the amount of \$385.00.

Charge any additional fees required by this paper or credit any overpayment in the manner  
authorized above.

A duplicate of this paper is attached.

**13. Authorization to Charge Additional Fees**

The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. § 1.17 (application processing fees)

**14. Instructions as to Overpayment**

Credit Account No. 10-0440.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATIONS CLAIMED  
(37 C.F.R. § 1.78)**

**15. Relate Back**

Amend the specification by inserting, before the first line following the title, the following sentence:

**A. 35 U.S.C. Sections 120, 121 and 365(c)**

"This application is a continuation of copending Application number 09/459,593 filed on January 21, 2000."

"International Application PCT/US99/21680 filed on September 17, 1999, and which designated the U.S."

"The nonprovisional application designated above, namely application 09/459,593, filed January 21, 2000, claims the benefit of U.S. Provisional Application No.:

**APPLICATION NO.**

**FILING DATE**

60/100,804

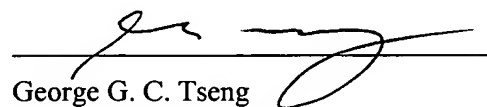
09/18/1998"

**B. Publication of International Application—Provisional Application**

The international application corresponding to the instant application was published under PCT Article 21(2) in the English language.

Date: 2/25/2004

Respectfully submitted,



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